



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

COUNTER et al

Atty. Ref.: 01579-1047

Serial No. 10/554,295

Group:

Filed: (Requires Completion)

Examiner:

For: TELOMERE ELONGATION

Commissioner for Patents
P.O. Box 1450
Alexandria, DC 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY
AND EXCLUSIVE PROSECUTION HEREAFTER BY
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

DUKE UNIVERSITY, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 901 North Glebe Rd., 11th Floor, Arlington, Virginia 22203-1808, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the attorneys of: **Customer Number 23117**, individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

DUKE UNIVERSITY, also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions

communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

DUKE UNIVERSITY, a corporation having a place of business at, Durham, North Carolina, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee (copy attached).

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of DUKE UNIVERSITY.

DUKE UNIVERSITY

March 1, 2006

Date

By:



Name: Rose Ritts, Ph.D.

Title: Executive Director, Office of
Licensing and Ventures

Applicant or Patentee: **COUNTER et al**

Attorney's

Serial or Patent No.: **10/554,295**Dkt. No.: **01579-1047**Filed or Issued: **(Requires Completion)**For: **ELOMERE ELONGATION**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)(3)) -
NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION **DUKE UNIVERSITY**ADDRESS OF ORGANIZATION **Durham, North Carolina 27710**

TYPE OF NONPROFIT ORGANIZATION

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state _____)
(Citation of statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if located in the United States
- ☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each person, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name _____

Address _____

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

Name _____

Address _____

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING **Rose Ritts, Ph.D.**TITLE IN ORGANIZATION **Executive Director, Office of Licensing and Ventures**ADDRESS OF INDIVIDUAL SIGNING **3100 Tower Blvd. Durham, NC**SIGNATURE **Rose Ritts**DATE **March 1, 2006**

Nixon & Vanderhye P.C.
901 North Glebe Road
Eleventh Floor
Arlington, VA 22203-1808

Attorney Dkt: 01579-1047

A S S I G N M E N T
of U.S. Origin Patent Application

- 1) Christopher M. COUNTER
- 2) Blaine N. ARMBRUSTER

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. 01579-1047 and entitled: TELOMERE ELONGATION for which an application for Letters Patent of the United States ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office; ☒ was filed on (Requires Completion), U.S. Application No. 10/554,295, which is a 371 of International Patent Application No. PCT/US2004/013799, filed April 30, 2004, which claims priority from U.S. Provisional Appln. No. 60/466,427, filed April 30, 2003;

AND WHEREAS DUKE UNIVERSITY, Durham, North Carolina 27710

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the

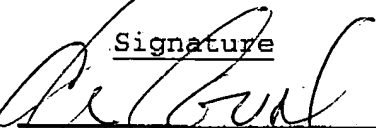
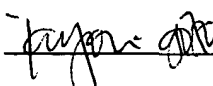
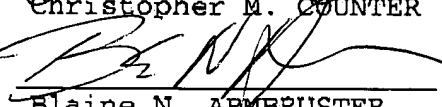
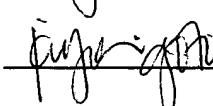
Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

| | <u>Signature</u> | <u>Date Signed</u> | <u>Witness</u> |
|----|---|--------------------|--|
| 1) |  Christopher M. COUNTER | July 27/06 |  |
| 2) |  Elaine N. ARMBRUSTER | 8/1/06 |  |